

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:21-cv-81-MOC**

KAREN KLYMAN,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
ED FINANCIAL SERVICES, et al.,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on pro se Plaintiff's Motion to Proceed in Forma Pauperis (Doc. No. 2).

Pro se Plaintiff Karen Klyman filed this action on March 25, 2021, purporting to bring numerous claims against six named Defendants, including a claim for violations of the Federal Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681 et seq., arising out of various debt collection actions taken on Plaintiff's student loans.

Plaintiff seeks to proceed in forma pauperis. In her motion, Plaintiff submitted a short-form affidavit, showing that she has received \$1285 in monthly income for the past twelve months. (Doc. No. 2 at 2). Plaintiff reports monthly expenses totaling \$747. (Id.). Plaintiff also reported that she has less than \$3500 in cash or in a checking or savings account, but she did not provide an exact figure for this amount. (Id.).

On April 13, 2021, this Court entered an Order, stating that Plaintiff must inform the Court exactly how much money she has available in cash or any financial accounts, and she must explain to the Court why she is unable to pay the full filing fee. The Court instructed the Clerk to mail to

Plaintiff this Court's Form AO239, which is a long-form affidavit that the Court uses in which to assess an in forma pauperis applicant's ability to pay the filing fee.

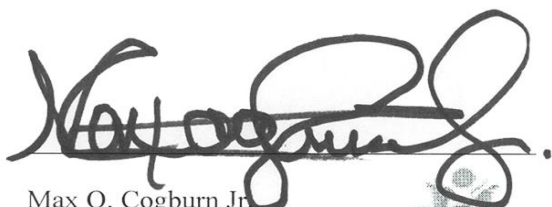
Plaintiff filed a response to the Court's order on May 3, 2021, in which she states that she refuses to fill out the long-form affidavit, and her attached exhibit titled "Revised Figures" is not signed under penalty of perjury, as required by 28 U.S.C. § 1915(a)(1). See (Doc. No. 9-3 at 1); see Martin v. Martin, 2010 WL 11651315, at *1 (M.D. Fla. July 8, 2010), report and recommendation adopted, 2010 WL 11651316 (M.D. Fla. Aug. 5, 2010) ("[B]ecause Plaintiff failed to file an affidavit (which must be sworn or submitted under penalty of perjury) as required by § 1915(a)(1) her request to proceed in forma pauperis is due to be denied.").

Plaintiff argues, correctly, that she is not required by "law" to sign the Court's long form. Nevertheless, the Court uses this form because it is very useful in assessing an in forma pauperis applicant's financial situation and whether she can afford to pay the full filing fee. Plaintiff complains about sections in the form that do not apply to her situation. The Court's response to this is that Plaintiff has the option of simply writing "Not Applicable" in these sections.

Plaintiff now has three options. She can either (1) fill out and return the Court's long form, signed under penalty of perjury; (2) fill out another affidavit, signed under penalty of perjury, which accurately reflects her financial status and satisfactorily explains why she cannot pay the full filing fee, which includes stating the exact amount of money she has in either cash or financial accounts; or (3) she can submit the full filing fee to this Court. If Plaintiff fails to do one of these three things, the Court **will** dismiss this action. The Court will give Plaintiff 30 days in which to respond.

Again, if Plaintiff fails to comply with this Order, this action will be dismissed.

Signed: June 1, 2021



Max O. Cogburn Jr.
United States District Judge